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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,585	01/08/2002	Olfa Chetay	Q67992	1441
7590 11/18/2003				
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			EXAMINER LAU, TUNG S	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,585

Applicant(s)

CHETAY ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Guelich (U.S. Patent 5,841,020).

Regarding claim 1:

Guelich discloses a method of monitoring the proportion of a component in a gaseous mixture having at least two components (col. 1, lines 5-25) and contained in an electrical switchgear enclosure (fig. 1, unit 14, 8), said method consisting in measuring the pressure, the temperature, and the density of the gas mixture using at least one sensor (Col. 1-2, Lines 50-33, and determining said proportion by processing the measured values in a data-processing unit, so as to enable the mixture to be monitored non-intrusively (col. 1, lines 20-25, col. 1-2, lines 50-48).

Regarding claim 12:

Guelich discloses a system for monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical

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switchgear enclosure, including at least one sensor mounted on said enclosure for measuring the pressure (abstract, (Col. 1-2, Lines 63-10-), the temperature (Col. 2, Lines 11-17), and the density of the gas mixture (Col. 2, Lines 11-33); and a data processing unit for processing the measured values (fig. 1a, abstract), so as to enable the mixture to be monitored non-intrusively (Col. 1, Lines 50-62, abstract, fig. 1).

Regarding claim 13:

Guelich discloses a system for monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical switchgear enclosure, comprising first means mounted on said enclosure for measuring the pressure (Col. 1-2, Lines 55-10), the temperature (Col. 2, Lines 11-16), and the density of the gas mixture (Col. 2, Lines 11-16); and second means for processing the measured values (Col. 2, Lines 34-48), so as to enable the mixture to be monitored non-intrusively (Col. 1, Lines 50-62, abstract, fig. 1).

Regarding claims 2, 3, 7, 8, 9:

Guelich discloses:

A method in which said proportion of a component in the mixture is calculated by the data-processing unit which is programmed to solve the thermodynamic state equations of said components (col. 1-2, lines 63-9).

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A method in which said proportion of a component in the mixture is determined by the data-processing unit which stores a data table in a memory (col. 4, lines 11-65, col. 10, lines 1-40), said data table containing a plurality of data items representative of various proportions of said component in correspondence with data items representative of various measurements of the pressure, of the temperature, and of the density of the gas mixture containing said component (col. 10, lines 1-40, col.1-2, lines 50-33), the data process is a computer (col. 4, lines 11-45).

Electrical switchgear provided with an enclosure containing a mixture of at least two dielectric gases under pressure, wherein the proportions of the dielectric gases in the mixture are determined by implementing method (col. 2, lines 11-48)

Claim Objections

2. Claims 4, 5, 6, 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of vibrating-blade sensor, the capacitance is a function of the permittivity of the gas mixture, interferometer, the gases constituted by N2 and SF6 or CF4 and SF6, algorithms in the data processing unit for correcting error and drift specific to at least one sensor.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 10/28/2003 have been fully considered but they are not persuasive.

A. Applicants argue that the prior art does not show 'a method of monitoring a proportion of a component in a gaseous mixture having at least two components', Guelich discloses ' a method of monitoring a proportion of a component in a gaseous mixture having at least two components' in Col. 1-2, Lines 50-48.

B. Applicants continue to argue that the prior art does not show 'a gaseous mixture having at least two components contained in an electrical switchgear enclosure', Guelich discloses 'a gaseous mixture having at least two components contained in an electrical switchgear enclosure' in Col. 1-2, Lines 50-48.

C. Applicants continue to argue that the prior art does not show 'measuring ... the density of the gas mixture using at least one sensor mounted on said

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enclosure', Guelich discloses 'measuring ... the density of the gas mixture using at least one sensor mounted on said enclosure' in Col. 1-2, Lines 50-48.

D. Applicants continue to argue that the prior art does not show 'determining said proportion by processing the measured values in a data processing unit, so as to enable the mixture to be monitored non intrusively', Guelich discloses 'determining said proportion by processing the measured values in a data processing unit, so as to enable the mixture to be monitored non intrusively' in Col. 1-2, Lines 50-48, Col. 4, Lines 11-64.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL November 7, 2003


John Barlow
Supervisory Patent Examiner
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